

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
Janet Heaney, Scott Heaney, Curt Matzinger,  
Jean Matziner, Farrah Silverstein, Janis Silverstein  
and Darlene A. Wilson,

INDEX NO.: CV-09-757

Plaintiffs

-v.-

Nicholas Cosmo, individually and in his official capacity as President of Agape World Inc., Agape Merchant Advance, LLC and Premium Protection Plan, LLC; Agape World LLC; Agape Merchant Advance, LLC; Premium Protection Plan, LLC; Anthony Massaro, individually and in his official capacity as Vice President of Agape World Inc.; Jason Keryc, Individually and in his capacity as Vice President of Business Development of Agape World Inc.; Hugo Leon Arias; Sebastian Tauz; Marty Hartmann, Sr., Individually and his official capacity as an Officer of Agape World Inc.; Marty Hartmann, Jr., Individually and his official capacity as an Officer of Agape World Inc.; John Doe 1-10; Jane Doe 8A; Company 1; Company 2; John Does 11-200.

**DEFENDANT JASON KERYC's  
NOTICE OF MOTION TO  
DISMISS THE AMENDED  
COMPLAINT, AND FOR A  
STAY OF PROCEEDINGS**

Defendants.

-----X

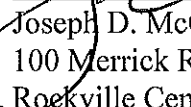
**PLEASE TAKE NOTICE THAT,** upon the Declaration of Francis J. Murray and the supporting Memorandum of Law, and the other papers filed herein, defendant JASON KERYC, by his attorneys MURRAY & McCANN, will move before the HONORABLE ARTHUR D. SPATT, United States District Judge for the Eastern District of New York, for an order, pursuant to Rules 12(b)(6) of the Federal Rules of Civil Procedure, (1) dismissing the Amended Complaint against defendant Keryc in its entirety for failure to state a claim upon which relief can be granted; (2) staying further proceedings in this action until determination of the motion to

dismiss; (3) in the alternative, staying this action until the conclusion of a related Bankruptcy case and an on-going federal criminal investigation of various defendants herein; and (4) granting the movant such other and further relief as the Court deems just and proper.

Dated: Rockville Centre, New York  
September 22, 2009

MURRAY & MCCANN  
Attorneys for Defendant JASON KERYC

By:

  
\_\_\_\_\_  
Joseph D. McCann, Esq. (JM1109)  
100 Merrick Road, Suite 514W  
Rockville Centre, New York 11570  
Tel: (516)766-3131

To:

Campolo, Middleton & Associates, LLP  
Attorneys for Plaintiffs  
3340 Veterans Memorial Highway  
Suite 400  
Bohemia, New York 11716

The Law Offices of Ira S. Newman  
Attorneys for Sebastian Tauz  
98 Cutter Mill Road  
Suite 441 - South  
Great Neck, New York 11021

Howard E. Greenberg, Esq.  
Attorney for Marty Hartmann, Sr. and Marty Hartmann, Jr.  
180 East Main Street, Suite 308  
Smithtown, New York 11787

Tacopina, Seigel & Turano, P.C.  
Attorneys for Anthony Massaro  
275 Madison Avenue. 35<sup>th</sup> Floor  
New York, New York 10016